

REMARKS

The Applicant appreciates the thorough review of the application by the Examiner.

Reconsideration and allowance are requested.

No new matter has been added by the present response and no new issues are presented for consideration.

The Examiner has rejected Claims 1 and 6-8 (it is believed that the Examiner intended the rejection to include Claim 2) under 35 U.S.C. 102(b) as being anticipated by Gheysen (U.S. Patent No. 5,353,846). The indication of allowability of Claims 3-5 is noted with appreciation.

All of the Claims are allowable.

Claims 1, 2 and 6-8 are patentable under 35 U.S.C. 102(b) over Gheysen (U.S. Patent No. 5,353,846).

Claim 1

The claims of the present invention are not anticipated by Gheysen.

Applicant's invention as claimed in claim 1 comprises a shed forming device with two or more sets of hooks that are provided with complementary hooks, operating in conjunction with a pulley. The complementary hooks of one set of hooks operate in conjunction with one pulley. A number of first pulleys, of one or more sets of hooks, are provided continuously in an upper row. And, a number of second pulleys, of one or more second sets of hooks, are provided continuously in a lower row. The upper row of pulleys and the lower row of pulleys are constant. Those features are not found in Gheysen.

The Gheysen patent, like the Derudder patent cited previously by the Examiner, has pulleys that are associated with pairs of hooks. During the shed forming, a number of pulleys are lowered and a number of pulleys are raised, and form two layers of pulleys that are **not** continuously the same.

A prior art reference anticipates the subject of a claim only when the reference discloses every feature of the claimed invention, either explicitly or inherently (see Hazani v. Int'l Trade Comm'n, 126 F.3d 1473, 1477, 44 USPQ2d 1358, 1361 (Fed. Cir. 1997) and RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984)).

Thus, since each and every limitation of Applicant's Claim 1 are not disclosed in the patent to Gheysen et al., either expressly or through the principles of inherency, the rejection of Claim 1 under 35 U.S.C. § 102(b) as being anticipated by Gheysen et al. is improper, and should be withdrawn.

Claim 2

Independent Claim 2 includes all of the limitations of Claim 1 and further includes the additional limitation that a first pulley and a second pulley, which each are connected with a complementary set of hooks, wherein both complementary hook sets are adjacent, will overlap one another, at least partly, when projected on a horizontal plane. Regarding Gheysen, the Examiner asserts that "Gheysen illustrates (Fig. 3) complementary hooks (29, 30) that are adjacent and would overlap partly when projected on a horizontal plane (Office Action, p. 2, lines 18-19)."

Applicant does not agree. Fig. 3 of Gheysen clearly shows that hooks 29, 30 are horizontally separate and are **not** arranged so that they would overlap when projected on a horizontal plane. It is not clear to Applicant what the Examiner is referring to in Gheysen regarding this limitation.

Further, as Claim 2 was previously amended and is further clarified herein, the overlap and projection on the horizontal plane refers to an overlap and projection of pulleys 40a, 40b on a horizontal plane. This feature clearly cannot exist in the applied Gheysen patent, since pulleys in Gheysen that first have to be lowered and then have to be raised must pass each other and can, in no way, "overlap" their "projections" on a horizontal plane.

For these additional reasons, and for the reasons set forth regarding the rejection of Claim 1, the rejection of Claim 2 under 35 U.S.C. 102(b) as being anticipated by Gheysen is also improper, and should be withdrawn.

Claims 6, 7 and 8

Claim 6 depends from patentable Claim 1 and includes the further patentable limitation that the device is provided with single lifting elements in order to take along the sets of hooks on selection.

Claim 7 depends from patentable Claim 1 and includes the further patentable limitation that the device is used in a two- or more-position open shed Jacquard machine.

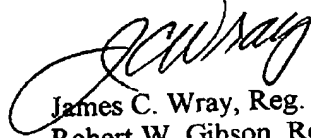
Claim 8 depends from patentable Claim 1 and includes the patentable limitation of a weaving machine comprising a shed forming device according to claim 1.

For these additional reasons, and for the reasons set forth regarding the rejection of Claim 1, the rejection of Claims 6, 7 and 8 under 35 U.S.C. 102(b) as being anticipated by Gheysen is improper, and should be withdrawn.

CONCLUSION

Reconsideration and allowance are respectfully requested.

Respectfully,



James C. Wray, Reg. No. 22,693
Robert W. Gibson, Reg. No. 57,145
1493 Chain Bridge Road, Suite 300
McLean, Virginia 22101
Tel: (703) 442-4800
Fax: (703) 448-7397

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JCW/rwg